

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

No. 11cr71 JH

RYAN VELARDE,

Defendant.

ORDER GRANTING LIMITED FURLOUGH

THIS MATTER comes before the Court on Defendant Ryan Velarde's *Second Motion to Modify Conditions of Released (Opposed)* [Doc. 37], filed October 6, 2011. Mr. Velarde seeks a modification to the conditions of release such that he may attend a traditional Navajo religious ceremony, arranged by his family, beginning on Saturday, October 8, 2011 and ending on Sunday, October 9, 2011. [Doc. 37 at 1].

Mr. Velarde submits that the religious ceremony in question will be a "protection way ceremony," a ceremony for Navajo who leave the boundaries of the four sacred mountains, Blanca Peak in Colorado; Mount Taylor in New Mexico; the San Francisco Peaks in Arizona; and Hesperus Peak in Colorado. See http://en.wikipedia.org/wiki/Navajo_people, see also <http://www.xpressweb.com/zionpark/index3.html>. Mr. Velarde requests that he be permitted to attend the ceremony in preparation for his likely entry of a plea of guilty to an offense requiring mandatory incarceration. [Doc. 37 at 1-2].

Healing ceremonies are an integral part of Navajo religious traditions and beliefs. To be sure,

Navajo healing ceremonies are used to cope with the uncertainties and dangers that occur in the universe. They are usually performed to bring the dangerous powers under control and to restore physical or spiritual imbalances in an individual.

<http://www.xpressweb.com/zionpark/index3.html>.

Since being released to the La Pasada Halfway House in February 2011, Mr. Velarde has been largely compliant with the terms and conditions of his pre-trial release. He does not pose a flight risk. Additionally, Mr. Velarde was allowed to attend a similar religious ceremony in July 2011, and did so without incident. [See Doc. 25].

In light of the foregoing, Mr. Velarde may be released to the custody of his stepfather, Tim Vicenti, at 9:00 a.m. on Saturday, October 8, 2011, and then transported by his stepfather to the ceremony in Gallup, New Mexico. Throughout the period of furlough, Mr. Velarde must remain in his stepfather's custody and, following the religious ceremony, he shall be returned by his stepfather to the La Pasada Halfway House by 6:00 p.m. on Sunday, October 9, 2011.

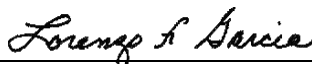
Mr. Velarde represents that the victim in this case lives in California, and that she would neither be in attendance at the ceremony nor would she be near Gallup on the days the ceremony is scheduled to take place. Notwithstanding, Mr. Velarde's stepfather, Tim Vicenti, is responsible for Mr. Velarde's conduct and for supervising Mr. Velarde and ensuring that he has no contact with the victim or with any member of the victim's family. Tim Vicenti is additionally responsible for ensuring that Mr. Velarde remain in full

compliance with the conditions of his release. While on furlough, Mr. Velarde is precluded from possessing or consuming any alcohol or controlled substance, and he will be subject to drug and alcohol screens upon his return.

Mr. Velarde's Pretrial Services officer approves the furlough, but the request for furlough is opposed by the United States Attorney. [Doc. 37 at 4]. However, the Court determines it would be advantageous for Mr. Velarde to participate in a ceremony that may prove beneficial to him.

Accordingly, Mr. Velarde's *Second Motion to Modify Conditions of Released (Opposed)* [Doc. 37] is **GRANTED**.

IT IS SO ORDERED.

 10/6/2011

Lorenzo F. Garcia
United States Magistrate Judge